

OFFICE OF THE CITY ATTORNEY  
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Assistant City Attorney  
Attorney for Defendants City of Phoenix

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ARIZONA**

DIANNE BARKER,

Plaintiff,

vs.

CITY OF PHOENIX, MUNICIPAL  
CORPORATION; MAYOR PHILIP  
GORDON; 21ST CENTURY INS. OF S  
WEST; JOSE MESA RAMIREZ; AND  
JIMMY MESA MUNETON, et al.,

Defendants.

No.

(Superior Court Case No. CV2011-  
011978)

**DEFENDANT CITY OF  
PHOENIX'S NOTICE OF  
REMOVAL**

Defendant City of Phoenix, ("Phoenix") by and through undersigned  
counsel, and pursuant to 28 U.S.C. § 1441(b) and LRCiv 3.7, hereby notices the removal  
of a certain civil action commenced and now pending in the Superior Court of the State  
of Arizona, in and for the County of Maricopa entitled *Dianne Barker, Plaintiff v. City  
of Phoenix, et al*, Defendants, Civil Action No. CV2011-011978, and in support of  
removal asserts the following:

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1           1.       Petitioner is a Defendant in the Superior Court of the State of Arizona in  
2 and for the County of Maricopa under the caption DIANNE BARKER, Plaintiff v. CITY  
3 OF PHOENIX, MUNICIPAL CORPORATION; MAYOR PHILIP GORDON; 21<sup>ST</sup>  
4 CENTURY INS OF S WEST; JOSE MESA RAMIREZ and JIMMY MESA  
5 MUNETON, et al., Defendants, Maricopa County Superior Court Case No. CV2011-  
6 011978. Copies of the Complaint and all other documents previously filed in this matter  
7 are in Exhibit "A" of the Index filed simultaneously with this pleading.

8           2.       The first date upon which Phoenix received a copy of the Complaint was  
9 July 20, 2011, in which a copy was delivered to the Phoenix City Clerk.

10          3.       Plaintiff has asserted claims of violations of Civil Rights ("unequal  
11 protection" via U.S. Constitution, "First Amendment Constitution [sic] Free Speech  
12 Right," "ADA 1990, Rehab. Act 1973 Civil Rights laws," and "42 U.S.C. 1983").

13          4.       This Notice of Removal is being filed within 30 days after service of the  
14 Complaint and is therefore timely under 28 U.S.C. § 1446(b).

15          5.       A Notice of Filing of Notice of Removal has been filed in the Arizona  
16 Superior Court, County of Maricopa, on behalf of Phoenix. A true and correct copy of  
17 the Notice is in Exhibit "B" of the Index filed simultaneously with this pleading.

18               WHEREFORE, Phoenix respectfully request that the above action now pending in  
19 the Arizona Superior Court, Maricopa County, be removed to this Court.

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1 RESPECTFULLY SUBMITTED this 5th day of August 2011.

2 GARY VERBURG, City Attorney

3  
4 By /S/Christina E. Koehn  
5 Christina E. Koehn  
6 Assistant City Attorney  
7 200 West Washington, Suite 1300  
8 Phoenix, Arizona 85003-1611  
9 Attorneys for Defendants City of Phoenix and  
10 Mayor Philip Gordon

11 A COPY of the foregoing Electronically  
12 filed with the court this 5th day of August 2011.

13 and COPY of the foregoing mailed to:

14 Dianne Barker  
15 3219 East Camelback Road, #393  
16 Phoenix, AZ 85018  
17 Plaintiff Pro Per

18 By /s/A. Valenzuela  
19 CEK:AV#925323\_1.DOC  
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